

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
MDL DOCKET NO: 3:03CV1516**

**THIS ORDER relates to a civil matter** )  
**pending in the Southern District of New York** )  
**(SDNY No.: 03-CV-8679-NRB)** )  
\_\_\_\_\_ )

**Koch Industries, Inc., et al.** )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**Hoechst AG, et al.,** )  
**Defendants.** )  
\_\_\_\_\_ )

**THIS MATTER** comes before the Court on Troy F. Stanley, Sr.’s Motion to Quash, filed July 30, 2008. (Document #843) The party seeking production, namely, the Hoechst Celanese Defendants, responded on August 18, 2008. (Document #846)

As an initial matter, Rule 45 of the Federal Rules of Civil Procedure only provides authority to the “issuing court” to modify, enforce, or quash a subpoena. FED. R. CIV. P. 45(c)(1) -(3). The subpoena *duces tecum* requesting production by Mr. Stanley was issued by the Eastern District of North Carolina as opposed to this district.

Moreover, the undersigned does not have jurisdiction over miscellaneous matters arising out of the SDNY Action by way of its previous appointment as transferee judge in MDL 1516. *See generally, U.S. ex rel. Pogue v. Diabetes Treatment Ctrs. of Am., Inc.*, 238 F.Supp.2d 270, (D.D.C. December 18, 2002) (discussing the parameters of a transferee judge’s authority to deal with motions to quash subpoenas pursuant to §1407 transfer). The SDNY Action was never transferred to the

Western District of North Carolina by the Judicial Panel on Multidistrict Litigation (“Panel”). (*See* Document #14 / Vacating Conditional Transfer Order) Therefore, the civil action pending in the Southern District of New York was never made a part of MDL 1516. Although the undersigned has decided a number of related motions to quash - several filed on behalf of Mr. Stanley - each of those motions were either responsive to subpoenas that, in fact, issued from this Court, or the motions stemmed from cases ultimately transferred here by the Panel for coordinated pretrial proceedings.<sup>1</sup>

For these reasons, Stanley’s motion is not properly before this federal district court. The motion must be denied for lack of subject matter jurisdiction.<sup>2</sup>

**IT IS HEREBY ORDERED** that Troy Stanley’s Motion to Quash is **DENIED**.

Signed: September 2, 2008



Richard L. Voorhees  
United States District Judge



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<sup>1</sup> The cases that were consolidated for pretrial proceedings within MDL 1516 have since been closed.

<sup>2</sup> The Court also notes that the discovery deadline was recently extended through October 10, 2008. (*See* Document #27) Therefore, the parties have sufficient time to present this issue to Judge Buchwald or another judge presiding in the “issuing court” (Eastern District of North Carolina).